

## DEPARTMENT OF INDUSTRIAL RELATIONS

## DIVISION OF APPRENTICESHIP STANDARDS

GOLDEN GATE AVENUE  
SAN FRANCISCO 94102

February 4, 1988

ADDRESS REPLY TO:  
P.O. BOX 503  
SAN FRANCISCO, CA 94101Donald J. Grabowski  
National Association of State and  
Territorial Apprenticeship Directors  
c/o N.Y.S. Department of Labor  
Albany, New York 12240

RECEIVED

FEB 11 1988

U.S. Department of Labor  
Bureau of Apprenticeship and Training  
San Francisco Office  
REGIONAL OFFICE

Dear Don:

The policy subject referred to in Circular 88-5 has been mentioned during the last two operational reviews conducted by the BAT in California State Apprenticeship Council operations.

Their position seems to be, the SAC has been recognized as the apprenticeship approval agency in the State for Federal purposes based on the law and regulations in effect at the time as conforming to Federal regulations Title 29, CFR Part 29. Changes to the State law if adverse to 29-29 could jeopardize Federal recognition. This seems to be a reasonable position and I think the SAC can and should request input from the BAT in developing any changes in policy, regulation or statute that may impact 29-29.

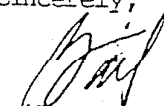
The language in the policy is overly harsh and as you point out may be in conflict with State law. It may also tend to create an undesirable adversarial position between the BAT and the SAC.

Suggested language is as follows:

POLICY: Any anticipated modification to SAC policies or procedures regarding the recognized State apprenticeship program that would result in changes in the materials submitted to, and approved by, the Secretary when granting recognition for Federal purposes requires consultation with BAT representatives. Approval of augmented policies and operating procedures is subject to Federal Regulations Title 29 CFR 29.

It is the responsibility of the SAC to keep the BAT informed as to the anticipation, processing and/or implementation of any modifications to the State apprenticeship laws or regulation that may impact BAT recognition of the SAC as an apprenticeship approval agency.

Sincerely,

  
Gail W. Jesswein  
Chief, Division  
Apprenticeship Standards

CWJ:rm

cc: Dave Turner ✓

December 15, 1987

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| <b>U.S. DEPARTMENT OF LABOR</b><br><br><b>EMPLOYMENT AND TRAINING<br/>ADMINISTRATION</b><br><br>Bureau of Apprenticeship and Training<br>Washington, D.C. 20210<br>Symbols: TDT:NAK | <u>Distribution:</u><br><br>A-539 All Techs.<br>Hdqtrs.<br>A-544 All Field<br>Techs.<br>A-547 SD+RD/SAC;<br>Lab. Comm. | <u>SUBJECT:</u> <u>CODE:</u> 700<br><br>State Apprenticeship<br>Councils Unilateral<br>Modification of Policies<br>and/or Procedures<br><br><u>ACTION:</u> Due Date: |
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PURPOSE: To clarify for apprenticeship technical staff the BAT position regarding State Apprenticeship Councils unilaterally adopting apprenticeship policies and procedures.

BACKGROUND: Title 29 CFR Part 29.12 provides for the U.S. Secretary of Labor to recognize State Apprenticeship Agencies or Councils (SACs) for Federal purposes upon submission and approval of specified materials.

POLICY: Any modification to SAC policies or procedures regarding the recognized State apprenticeship program that results in changes in the materials submitted to, and approved by, the Secretary when granting recognition for Federal purposes must be approved by BAT. State Apprenticeship Councils/Agencies are expressly prohibited from unilaterally adopting policies and operating procedures which depart from, or impose requirements in addition to, those which meet the requirements of Title 29 CFR Part 29. Approval of augmented policies and operating procedures is subject to BAT's discretion.